

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

AUG - 5 2002

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Ex parte ROBERT C. FRAME  
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PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application No. 09/096,684

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
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This application was received at the Board of Patent Appeals and Interferences on July 22, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On April 3, 2000, appellant filed an Information Disclosure Statement (IDS) (Paper No. 7). It is not clear from the record whether the examiner considered the IDS submitted or whether the examiner notified appellant of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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Also, on September 28, 2001, appellant filed a Notice of Appeal (Paper No. 19). The appellant stated in the Notice of Appeal (p. 1) "to charge the requisite fee of \$310.00." A review of the file reveals that this fee was not charged to the appellant's account. Appropriate action is required.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statement (Paper No. 7); 2) appropriate notification by the examiner to appellant of such consideration; 3) entry of the Notice of Appeal fee; and 4) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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